IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 17023 of 2007(B)

PETITIONER:

G.SATHEESH KUMAR,
PERUMBALATHU PADINJATTIL, NJARAKKAD,
THALAVOOR P.O., QUILON.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR
SRI.T.R.HARIKUMAR

RESPONDENTS:
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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), KOLLAM.

2. THE THALAVOOR SERVICE CO-OPERATIVE BANK LTD. NO.646, THALAVOOR P.O., KOLLAM, REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.P.N.MOHANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO.17023 OF 2007

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE SUSPENSION ORDER NO.18/06-07 DATED 6.5.2006.

EXT.P2 TRUE COPY OF THE REPRESENTATION DATED 29.5.2007.

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 17023 OF 2007 B

Dated this the 13th August, 2007

JUDGMENT

Petitioner was suspended from service on 31.5.2004. He was subsequently reinstated on 19.5.2005. Thereafter, the petitioner was again suspended on 6.5.2006 vide Ext.P1. No Memo of Charges was issued so far, according to petitioner. Petitioner relies on Rule 198(6) of the Kerala Co-operative Societies Rules. Having regard to the fact that the petitioner was placed under suspension on 6.5.2006 and a period of one year has elapsed, petitioner would appear to be entitled to be reinstated. Of course, learned counsel for the respondent Bank points out that the charges against the petitioner are grave and he further submits that the Bank has moved for extension of the suspension. But, I find that the law is crystal clear that an employee cannot be kept under suspension without the prior approval beyond the period of one year. Admittedly, the period has run out. The enquiry has not made much headway.

According to petitioner, even the charge memo was not served as on the date of filing of the Writ Petition. Having regard to all facts, the Writ Petition is allowed, with a direction to the first respondent to issue necessary direction to the second respondent to reinstate the petitioner in the service of the second respondent, within a period of one week from the date of receipt of a copy of this Judgment.

K. M. JOSEPH, JUDGE

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